

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Compression Labs, Incorporated,

Plaintiff,

vs.

Agfa Corporation, *et al.*

Dell Inc., *et al.*

Acer America Corporation, *et al.*

Defendants.

C.A. No. 2:04-CV-158-DF

C.A. No. 2:04-CV-159-DF

C.A. No. 2:04-CV-294-DF

Proposed Scheduling Order

EVENT	DEADLINE
In the <i>Agfa</i> and <i>Dell</i> matters, parties exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1).	Completed
In the <i>Acer</i> matter, parties to exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1).	Completed ¹
Plaintiff shall serve “Disclosure of Asserted Claims and Preliminary Infringement Contentions” (defined in the accompanying joint report) and supporting documents.	Pending (Plaintiff to supplement Dec. 20, 2004)
Each party shall simultaneously exchange a list of claim terms, phrases, or clauses which that party contends should be construed by the Court, and identify any claim element which that party contends should be governed by 35 U.S.C. §112(6).	Completed

¹ As noted in the accompanying Joint Report, some Defendants (such as Audiovox Electronics in the *Acer* case) have not yet submitted initial disclosures. Audiovox Electronics will do so on or before January 10, 2005.

EVENT	DEADLINE
Plaintiff shall supplement its October 18, 2004 "Disclosure of Asserted Claims and Preliminary Infringement Contentions" as previously defined in the First Supplemental Joint Report and provide supporting documents.	December 20, 2004
Defendants shall serve "Preliminary Invalidity Contentions" as previously defined in the First Supplemental Joint Report and provide supporting documents.	December 20, 2004
Parties shall make an "Exchange of Preliminary Claim Constructions and Extrinsic Evidence" as previously described in the First Supplemental Joint Report.	January 12, 2005
Parties shall simultaneously exchange a preliminary identification of any testimony of percipient and expert witnesses they intend to offer in rebuttal to any testimony of percipient and expert witnesses that the other side identified they contend supports their claim construction. With respect to any such rebuttal witness, percipient or expert, the parties shall also provide a brief description of the substance of that witness' proposed testimony.	January 19, 2005
Deadline for parties to meet and confer regarding claim construction issues.	January 19, 2005
Deadline to complete all discovery relating to claim construction, including any depositions with respect to claim construction of any witness, including experts, identified by a party with their proposed claim constructions or as one of their rebuttal witnesses on claim construction.	February 2, 2005
Plaintiff to serve and file its Opening <i>Markman</i> Brief and any evidence supporting its proposed claim construction.	February 9, 2005
Defendants to serve and file their Opening <i>Markman</i> Brief(s) and Response(s) in Opposition to Plaintiff's Opening <i>Markman</i> Brief, and any evidence supporting its proposed claim construction.	March 2, 2005
Plaintiff to serve and file its Reply In Support of its <i>Markman</i> Brief and Response in Opposition to Defendants' Opening <i>Markman</i> Brief(s), and any evidence directly rebutting the supporting evidence contained in Defendants' Response(s).	March 16, 2005
Defendants to serve and file Reply In Support of <i>Markman</i> Brief, and any evidence directly rebutting the supporting evidence contained in Plaintiff's Response in Opposition to Defendant's Opening <i>Markman</i> Brief.	March 23, 2005

EVENT	DEADLINE
Technology Tutorial (estimated three hours – one and a half hours per side)	April 6, 2005
Claim Construction Hearing 9:00 a.m. in Texarkana, Texas	April 7, 2005
Parties to identify the name and qualifications of each designated expert, as well as the subject matter of each expert's expected testimony.	May 1, 2005
Deadline to disclose intent to rely upon opinion of counsel as a defense to willful infringement and disclose related documents.	May 16, 2005
Parties are discussing the possibility of requesting bifurcation of willful infringement. Should willful infringement be bifurcated, this date will be rendered moot.	
Plaintiff shall serve updated, amended and/or modified "Disclosure of Asserted Claims and Infringement Contentions" in light of the Court's ruling on claim construction. Amendment or modification of these contentions after this date may be made only by order of the Court and shall be entered only upon a showing of good cause.	15 days after entry of the Court's claim construction ruling
Defendants shall serve updated, amended and/or modified "Invalidity Contentions" in light of the Court's ruling on claim construction. Amendment or modification of these contentions after this date may be made only by order of the Court which shall be entered only upon a showing of good cause.	30 days after entry of the Court's claim construction ruling
Close of Fact Discovery -- All fact discovery shall be commenced in time to be completed by this date.	June 15, 2005
Deadline for service of expert reports by the party with the burden of proof on the claim or defense at issue in compliance with Rule 26.	Plaintiff proposes June 15, 2005 Defendants propose June 15, 2005 or 45 days after entry of the Court's claim construction, whichever is later
Deadline for the parties to report to the Court on the status of Mediation	July 1, 2005

EVENT	DEADLINE
Deadline for service of rebuttal expert reports -- Rebuttal expert testimony shall mean expert testimony that is solely intended to contradict or rebut expert testimony on the same subject matter identified by another party pursuant to Fed. R. Civ. P. 26(a)(c) and Local Rule CV-26(b).	Plaintiff proposes July 15, 2005 Defendants propose July 15, 2005 or 75 days after entry of the Court's claim construction, whichever is later
Close of Expert Discovery -- All expert discovery shall be commenced in time to be completed by this date.	Plaintiff proposes August 1, 2005 Defendants propose August 1, 2005 or 92 days after entry of the Court's claim construction, whichever is later
Deadline to file dispositive motions and any other motions that may require a hearing. Dispositive motions may be filed earlier. Responses and Replies to be filed in accordance with Local Rule CV-7.	Plaintiff proposes August 8, 2005 Defendants propose August 8, 2005 or 99 days after entry of the Court's claim construction, whichever is later
Parties to submit pretrial disclosures pursuant to Fed. R. Civ. P. 26(a)(3), including Defendants' 35 U.S.C. §282 notice.	August 29, 2005
Parties to submit objections to pretrial disclosures pursuant to Fed. R. Civ. P. 26(a)(3).	September 12, 2005
Plaintiff to submit to Defendants its portions of Pretrial Order and Proposed Jury Instructions	September 14, 2005
Parties to file motions <i>in limine</i> (including Daubert motions).	September 16, 2005
Defendants to submit to Plaintiff its portions of and revisions to the Pretrial Order, as well as Proposed Jury Instructions	September 21, 2005
Deadline for parties to meet and confer regarding Joint Pretrial Order and Proposed Jury Instructions	September 26, 2005
Submission of Joint Pretrial Order, Proposed Jury Instructions and Verdict Form	September 28, 2005
Parties to file responses to motions <i>in limine</i> (including Daubert motions).	September 30, 2005

EVENT	DEADLINE
Final Pretrial Conference 9:00 a.m. in Marshall, Texas	October ___, 2005
Jury Selection 9:00 a.m. in Marshall, Texas	October ___, 2005

SIGNED this _____ day of _____, 2004.

HONORABLE DAVID J. FOLSOM
UNITED STATES DISTRICT JUDGE